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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,345	03/01/2004	Carla Schaefer	159.1.1355	9394

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WATOV & KIPNES, P.C.
P.O. Box 247
Princeton Junction, NJ 08550

EXAMINER

COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/790,345	Applicant(s) SCHAEFER ET AL.	
	Examiner Dolores R. Collins	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopkins et al. (533) in view of Bachman (153).

Hopkins discloses a Multiple Jig-Saw Puzzle promotional Lottery Game And method Of Playing Same.

Regarding claim 1

Hopkins teaches a lottery ticket with a first play area having a plurality of jig-saw type puzzle pieces (see 10) and a second play area (18) having at least one play region (16 & 16a) with pieces in a pattern (i.e., two straight lines).

Hopkins further teaches that his game is executed by the removal of puzzle pieces which when matched with the first play area wins a prize (see claim 1). Hopkins fails to teach a removable scratch off layer. Bachman discloses a Promotional Article With Pressure-Sensitive Adhesive Portions And Method Of Manufacture.

Bachman teaches a first area with removable portions and the ability to scratch off a layer. It would have been obvious to one of ordinary skill in the art

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at the time the invention was made to modify Hopkins to include a removable layer that may be scratched off to add an element of mystery to game play.

Regarding claim 2

Hopkins teaches that his game is executed by the removal of puzzle pieces which when matched to a board in the first play area (see figures 1 & 2 and claims 1 & 2).

Regarding claim 3

Hopkins teaches a puzzle board that has cavities and compliments necessary for fitting a jigsaw puzzle together (see figure 2).

Regarding claim 4

Hopkins teaches a lottery ticket with a first play area having a plurality of jigsaw type puzzle pieces (see 10) and a second play area (18) having at least one play region (16 & 16a).

Regarding claim 5

Hopkins teaches a lottery ticket with a first play area having a plurality of jigsaw type puzzle pieces in individual spaces (see 10).

Regarding claim 6

Hopkins teaches a lottery ticket with a second play area (18) having at least one play region (16 & 16a) and the same number of pieces region (i.e., one).

Regarding claim 7

Hopkins teaches a lottery ticket with a second play area (18) having at least one play region (16 & 16a). Hopkins fails to teach that the number of pieces per region is different. Bachman teaches two play regions. Bachman further teaches puzzle pieces of unequal numbers in his play region (see figure 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hopkins to include an unequal number of pieces per play region to add an element of mystery to game play.

Regarding claims 8 & 9

Hopkins fails to teach a removable scratch off layer. Bachman discloses a Promotional Article With Pressure-Sensitive Adhesive Portions And Method Of Manufacture.

Bachman teaches a first area with removable portions and the ability to scratch off a layer (see col.7, lines 7-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hopkins to include a removable layer that may be scratched off to add an element of mystery to game play.

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Regarding claims 10-12

Hopkins teaches an instant win (Bonus) section (see figure 2). Hopkins fails to teach his bonus section in second play area and in both play areas. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the bonus/instant win feature on any or both portions of the lottery ticket. Such would be mere design choice and would present little or no difficulty.

Regarding claim 13

Hopkins teaches a lottery ticket with a first play area having a plurality of jig-saw type puzzle pieces (see 10) and a second play area (18) having at least one play region (16 & 16a) with pieces in a pattern (i.e., two straight lines).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Greg Vidovich*** can be reached on **(571) 272-4415**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



November 15, 2004


RAEANN GORDEN
PRIMARY EXAMINER